THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 26345 of 2006

DATED: 20-12-2006

Between:

G.Srinivas Reddy

…Petitioner

and

The Joint Collector,
Ranga Reddy District and others.

…Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26345 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. The writ petition is disposed of at the stage of admission on a short ground.

De hors earlier proceedings, suffice it to record that by proceedings dated 23-9-2006 in File No. L/2178/2006 of the 2nd respondent, certification of ownership of land in an extent of Ac.0-36 gts. in Sy.No.413, an extent of Ac.0-04 gts. in Sy.No.413 and Ac.0-37 gts. in Sy.No.414 respectively was granted in favour of respondents 4 and 5 under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. Aggrieved thereby, the petitioner preferred an appeal to the 1st respondent on 16-12-2006 and along therewith, sought interim stay of the 2nd respondent's order dated

23-9-2006. The grievance of the petitioner is that the 1st respondent has postponed consideration of the petitioner's application for interim relief to 7-1-2007. As a consequence, the petitioner has to face dispossession from the lands, which is in his occupation since long, on account of the order of the 2nd respondent dated 23-9-2006 which is the subject of the appeal before the 1st respondent.

In the circumstances, the 1st respondent is directed to consider and dispose of the application of the petitioner for interim relief, in the appeal preferred by him (against the order of the 2nd respondent dated

23-9-2006 in File No. L/2178/2006), expeditiously and in any event within a period of 48 hours from the date of receipt of a copy of this order. If the 1st respondent is satisfied on exercise of discretion that the petitioner is entitled to an ex-parte interim relief, the 1st respondent is at liberty to grant him such relief. However, nothing stated in this order shall be construed as an expression by this Court on the merits of the petitioner's appeal or his application for interim relief. The 1st respondent shall consider the petitioner's application for interim relief on its own merits and on the basis of the material available on record, and dispose of the same within the time directed above.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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GODA RAGHURAM, J

20th December, 2006
GRR